

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
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THIS DOCUMENT RELATES TO ALL)	Judge Patti B. Saris
CLASS ACTIONS)	
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**PLAINTIFFS' MOTION FOR LEAVE TO FILE COMBINED REPLY MEMORANDUM
IN SUPPORT OF MOTION TO MODIFY THE TRACK TWO DISCOVERY
SCHEDULE AND OPPOSITION TO DEFENDANTS' CROSS MOTION**

Plaintiffs move for leave to file a combined reply brief in support of their Motion to Modify the Track Two Discovery Schedule and an opposition memorandum to Defendants' cross motion. The reasons supporting this motion include the following:

1. The Track Two Defendants' Opposition to Plaintiffs' Motion to Modify the Track Two Discovery Schedule includes a Cross Motion to which Plaintiffs have a right to oppose with a separate filing.
2. Defendants' opposing brief misrepresents the record of Track Two discovery and otherwise introduces material calling for a response by Plaintiffs.
3. Plaintiffs submit that it is more efficient to combine their opposition to Defendants' cross motion with a reply on Plaintiffs' opening motion given that the arguments are very closely related.
4. Plaintiffs' initial motion comprised six pages, and Defendants' opposition and cross motion comprises nine pages. Plaintiffs' proposed combined reply and opposition to the cross motion spans only four pages.

5. Defendants have advised Plaintiffs' counsel that they take no position on this motion for leave.

WHEREFORE, Plaintiffs respectfully request that the Court grant leave for them to file a combined reply brief in support of their Motion to Modify the Track Two Discovery Schedule and memorandum in opposition to Defendants' cross motion.

DATED: October 11, 2005

By /s/ Steve W. Berman

Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman Sobol Shapiro LLP
One Main Street, 4th Floor
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Eugene A. Spector
Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Marc H. Edelson
Allan Hoffman
Hoffman & Edelson
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Kenneth A. Wexler
Jennifer F. Connolly
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Samuel D. Heins
Alan I. Gilbert
Susan E. MacMenamin
Heins, Mills & Olson, P.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692
**CO-LEAD COUNSEL FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **PLAINTIFFS' MOTION FOR LEAVE TO FILE COMBINED REPLY MEMORANDUM IN SUPPORT OF MOTION TO MODIFY THE TRACK TWO DISCOVERY SCHEDULE AND OPPOSITION TO DEFENDANTS' CROSS MOTION** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 11, 2005, a copy to LexisNexis File & Serve for Posting and notification to all parties

By /s/ Steve W. Berman
Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
(206) 623-7292